

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9-15-2023

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GAYLE JENTZ, on behalf of herself
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.

Case No. 1:23-cv-06944

ANDRE LOPEZ, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.

Case No. 1:23-cv-06956

GWENDOLYN SMUDA and STEVEN
CHECCHIA, on behalf of themselves and all
others similarly situated,

Plaintiff,

v.

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.

Case No. 1:23-cv-07020

SHAY L. KING, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.

Case No. 1:23-cv-07407

ROBIN ANDERSON, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

TEACHERS INSURANCE AND ANNUITY
ASSOCIATION OF AMERICA,

Defendant.

Case No. 1:23-cv-07437

~~PROPOSED~~ CASE SCHEDULE

The below-referenced Parties jointly represent as follows:

WHEREAS, there are five (5) related proposed class actions pending in the United States District Court for the Southern District of New York; *Jentz v. Teachers Insurance and Annuity Association of America* (“TIAA”), No. 23-cv-06944; *Lopez v. TIAA*, No. 23-cv-06956; *King v. TIAA*, Case No. 23-cv-7407, *Smuda v. TIAA*, Case No. 23-cv-7020, and *Anderson v. TIAA*, Case No. 23-cv-7437 (together, the “Related Actions”);

WHEREAS, the Related Actions were ordered consolidated by Judge Lewis A. Kaplan on August 30, 2023. ECF No. 9.

WHEREAS, the Court ordered the parties to submit a case schedule within 14 days of consolidation;

WHEREAS Plaintiffs filed an Amended Motion for Appointment of Interim Class Counsel on September 1, 2023;

WHEREAS, the Parties propose, subject to Court approval, that the Related Actions proceed on the following schedule:

1. Plaintiffs shall file a consolidated complaint no later than thirty (30) days following resolution of the Amended Motion for Appointment of Interim Class Counsel;
2. Defendant shall respond to the consolidated complaint no later than forty-five (45) days after it is filed;
3. If the responsive pleading is a motion to dismiss:
 - a. Plaintiffs shall file their opposition to the motion to dismiss, thirty (30) days after the filing of the motion to dismiss; and

- b. Defendant shall file its reply in support the motion to dismiss twenty-one (21) days after the filing of Plaintiffs' opposition to the motion to dismiss;
- c. The parties agree to stay the scheduling of a Rule 26(f) conference until thirty (30) days after the filing of Defendant's reply in support of the motion to dismiss.

Dated: September 13, 2023

Granted.

SO ORDERED.

/s/ Lewis A. Kaplan
Lewis A. Kaplan
United States District Court Judge

By: /s/ Marc R. Shapiro

MARC R. SHAPIRO
Attorney for TIAA

Dated: September 15, 2023

MARC R. SHAPIRO
mrshapiro@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
51 West 52nd Street
New York, NY 10019
Telephone: (212) 506-5000

By: /s/ Gary M. Klinger

GARY M. KLINGER
On Behalf of Plaintiffs in the Related Actions

GARY M. KLINGER
gklinger@milberg.com
MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN LLC
227 W. Monroe Street, Suite 2100
Chicago, IL 60606
Phone: (866) 252-0878